

RESOLUTION NUMBER 2023- _____

WHEREAS, Hernando County has adopted zoning and land development regulations pursuant to Chapter 163 and Section 125.01(1), *Fla. Stat.*, which authorize the County to regulate the use of land in the unincorporated areas of Hernando County, Florida, and take action on the request herein; and,

WHEREAS, the Hernando County Board of County Commissioners (BOCC) conducted a duly advertised public hearing on Friday, March 3, 2023 to consider the requested dimensional variance on the specified parcel(s) in Hernando County, Florida, as more fully described below.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA AS FOLLOWS:

APPLICANT: Debra Rickle

FILE NUMBER: 1432578

PURPOSE: To reduce the rear setback from 15' to 5'

LEGAL

DESCRIPTION: Lot 6, Block 87, Hernando Beach Unit 7, Public Records of Hernando County, Florida

PARCEL KEY: 163361

REQUEST: Request for a **DIMENSIONAL VARIANCE** to allow the Petitioner to reduce the minimum rear setback from 15' to 5', in connection with the subject parcel located in the R1B (Residential) Zoning District. The representations contained in the Petitioner's variance application are incorporated herein by reference and made a part hereof. For purposes herein, it is presumed that all requisite notice and advertising requirements have been satisfied.

1. Appendix A, Article IV, Zoning District Regulations; Section 2, Residential Districts R-1B; Subsection 4(e), Dimension and Area Regulations:

Minimum rear yard requirements: The minimum rear yard requirement shall be twenty (20) feet. Where lots are created prior to the adoption of the original Land Use Regulations, Ordinance No. 72-3, and the lots front on a street with a waterway to the rear, the rear yard requirement shall be fifteen (15) feet.

FINDINGS

OF FACT:

ALL of the facts and conditions presented to the BOCC in connection with this matter are incorporated herein by reference and made a material part of this Resolution as integral to the BOCC's action. The BOCC finds that the testimony and record supporting DENIAL of the Petitioner's request to be credible and to constitute competent substantial evidence. In further support thereof, the BOCC makes the following specific findings of fact:

1. The requested **DIMENSIONAL VARIANCE** does NOT conform with the following:
 - (a) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district
 - (b) That the special conditions and circumstances do not result from the actions of the applicant
 - (c) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district;
 - (d) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant
 - (e) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - (f) That the granting of the variance will be in harmony with the general intent and purpose of the land development regulations and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

2. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations.

**CONCLUSIONS
OF LAW:**

The BOCC is authorized to act on this matter pursuant to Chapters 125 and 163, *Fla. Stat.*, and Appendix A, Article V, Section 3, Hernando County Code of Ordinances. Accordingly, after public hearing and testimony, being fully advised in the record, and based upon competent substantial evidence, the BOCC makes the following specific conclusions of law:

1. The requested **DIMENSIONAL VARIANCE** is NOT consistent with the County's adopted Comprehensive Plan and land development regulations.

ACTION:

Based upon the record in this matter and ALL of the findings of fact and conclusions of law above, the BOCC hereby DENIES the requested **DIMENSIONAL VARIANCE**.

ADOPTED IN REGULAR SESSION THE _____ DAY OF _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
HERNANDO COUNTY, FLORIDA**

Attest: _____

Douglas A. Chorvat, Jr.
Clerk of Circuit Court & Comptroller

By: _____

John Allocco
Chairman

Approved as to Form and Legal Sufficiency

By:  _____

County Attorney's Office